

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JASON JORGENSEN,
Plaintiff,

v.

Case No. 12-C-57

MICHAEL ASTRUE,
Commissioner of Social Security,
Defendant.

ORDER

Plaintiff has filed a complaint seeking review of the decision of the Commissioner of Social Security. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *Nietzke v. Williams*, 490 U.S. 319, 324 (1989). An indigent plaintiff may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff filed the required affidavit of indigence. Upon review of that affidavit, it appears that plaintiff could afford the filing fee. Plaintiff indicates that he is married, his spouse is employed, he owns a home and has a 401(k) and a bank account with significant funds. To say that such an individual is a “pauper” is a stretch of the language and would allow most of the American middle class to file federal lawsuits without paying a fee. That, surely, is not the intent of § 1915.

Accordingly, **IT IS HEREBY ORDERED** that plaintiff's request to proceed *in forma pauperis* is **DENIED**. The filing fee is due within 21 days or this case will be subject to dismissal.

SO ORDERED this 26th day of January, 2012.

s/ William C. Griesbach

William C. Griesbach

United States District Judge